

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-05975-SPG-SSC

Date August 19, 2025

Title U.S. Specialty Insurance Co. v. Advanced General Construction

Present: The Honorable SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

P. Gomez

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Not Present

Attorneys Present for Defendants:

Not Present

Proceeding: (IN CHAMBERS) ORDER TO SHOW CAUSE

On July 11, 2025, the Court granted in part and denied in part Plaintiff U.S. Specialty Insurance Co.'s ("Plaintiff") Motion for Default Judgment and invited Plaintiff to file and serve an amended complaint that cures the deficiencies identified in the Order. (ECF No. 37 ("Order") at 15–16).

Plaintiff previously issued insurance policies to Defendant Advanced General Construction ("Defendant") and brought two claims related to these policies. See (ECF No. 1 ("Compl.") ¶¶ 19–30). Plaintiff sought to rescind a policy based on alleged misrepresentations by Defendant and requested declaratory relief that no coverage obligation was owed under either insurance policy. See (*id.* ¶¶ 17, 18, 28). The Court granted Plaintiff's request for default judgment as to the rescission claim, and denied Plaintiff's request for default judgment as to the declaratory judgment claim for failure to state a claim. (Order at 9–10, 13); see *U.S. v. Wash.*, 759 F.2d 1353, 1357 (9th Cir. 1985) ("Declaratory relief should be denied when it will neither serve a useful purpose in clarifying and settling the legal relations in issue nor terminate the proceedings and afford relief from the uncertainty and controversy faced by the parties."). The Court provided Plaintiff twenty-one calendar days to file and serve an amended complaint that cures the deficiencies identified in the Order as to the declaratory judgment cause of action. (Order at 15–16). Absent such a filing, the Court would dismiss the cause of action for declaratory judgment, and judgment would be entered pursuant to the Order. (*Id.*).

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Plaintiff has not filed an amended complaint. Therefore, the Court finds Plaintiff has failed to prosecute that claim. In accordance with its prior Order notifying Plaintiff that, “[i]f an amended complaint is not filed within twenty-one (21) calendar days, the Court will dismiss the cause of action for declaratory judgment with prejudice,” the Court dismisses the cause of action for declaratory judgment only with prejudice. Judgment as to the rescission claim will be entered pursuant to the Order.

IT IS SO ORDERED.

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